

MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT A SENTENCE BY A PERSON IN FEDERAL CUSTODY

INSTRUCTIONS---READ CAREFULLY

1. **Use This Form** – If you are currently serving or will serve a sentence under the judgment against you of a federal court and you are asking for relief from the conviction or the sentence. This form is your motion for relief.

You must file the motion in the United States district court which entered the judgment that you are challenging. In this motion, you may challenge the judgment entered by only one court. If you want to challenge a judgment entered by a different judge (either in the same district or in a different district), you must file a separate motion.

Do Not Use This Form –

*IF YOU ARE CHALLENGING THE CONSTITUTIONALITY OF YOUR STATE COURT CONVICTION OR SENTENCE. INSTEAD, USE THE FORM ENTITLED “PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY.”

*IF YOU ARE A PRETRIAL DETAINEE CHALLENGING YOUR PRE-CONVICTION CUSTODY, A FEDERAL PRISONER CHALLENGING THE EXECUTION OF YOUR SENTENCE OR AN ACTION TAKEN BY THE BUREAU OF PRISONS, OR IN OTHER SITUATIONS WHERE RELIEF IS NOT AVAILABLE UNDER 28 U.S.C. § 2254 OR 28 U.S.C. § 2255. INSTEAD, USE THE FORM ENTITLED “PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 BY A PERSON IN CUSTODY.”

2. **Readable** – You may either type or neatly handwrite the information on the following form. It must be readable.
3. **Signed Under Penalty of Perjury** – To submit your motion, it must be signed. Your signature indicates that the motion is signed "under penalty of perjury." This means that any false statement of a material fact presented in your motion may serve as a basis for prosecution and conviction for perjury. Your signature does **not** have to be witnessed by a notary public. The motion may also be signed by a person authorized to sign it for you, such as an attorney.
4. **Copies and Proper Court** – When the motion is fully completed, you must mail the **original and two (2) copies** to: Clerk of Court, United States District Court for the Eastern District of Wisconsin, 517 East Wisconsin Avenue, Milwaukee, WI 53202.
5. **All Grounds** – You must include all grounds for relief in this motion and the facts supporting each ground for relief. If you fail to do so, you may be prevented from presenting additional grounds at a later date.
6. **Legal Citations and Arguments** – You must answer all applicable questions. However, you should not cite to legal authorities (i.e., case law or statutes) **on this form**. If you submit a supporting memorandum in addition to this form, it must not exceed fifteen (15) pages. Excess pages will not be considered.
7. **Fee** – No fee is required by this motion. If you cannot pay for the costs of this motion, such as costs for an attorney or transcripts, you may ask to proceed *in forma pauperis* (as a poor person). To do so, you must complete and sign the petition and affidavit attached to this motion and have an authorized officer at the penal institution complete and sign the attached certificate. You must also have an authorized officer attach a printout of your prison trust account activity statement for the six months prior to the filing of your motion.
8. **CAPITAL CASES** – If you are under a sentence of death, you are entitled to the assistance of counsel and should request the appointment of counsel.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Docket No. _____
(to be supplied by Clerk)

Full Name *(under which you were convicted)*

Prisoner Number

Place of Confinement,

Movant.

**MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT A SENTENCE
BY A PERSON IN FEDERAL CUSTODY**

I. SUBJECT OF THIS PETITION

A. Name and location of the court that entered the judgment of conviction that you are challenging

B. Criminal docket or case number _____

C. Date of the judgment of conviction _____

D. Date of sentencing _____

E. Length of sentence _____

F. Nature of crime (all counts) _____

H. What was your plea? (*Check one*)

☐ Not guilty ☐ Guilty ☐ Insanity plea ☐ Nolo contendere (*no contest*)

If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to?

I. If you went to trial, what kind of trial did you have? (*Check one*)

☐ Jury ☐ Judge only

J. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

☐ Yes ☐ No

If yes, state the type(s) of hearing or proceeding

G. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

☐ Yes ☐ No.

SUBJECT OF THIS PETITION - continued

H. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging?

☐ Yes ☐ No

II. DIRECT APPEAL OF CONVICTION

A. Did you appeal the judgment of conviction?

☐ Yes ☐ No

If yes, attach the decision(s) that resolved your appeal and answer the following questions:

1. Name of court of appeals _____

2. Date of filing appeal _____

3. Grounds raised _____

4. Result _____

5. Date _____

B. Did you file a petition for certiorari in the United States Supreme Court?

☐ Yes ☐ No

If yes, attach the decision(s) that resolved your petition for certiorari and answer the following questions:

1. Date of filing petition for certiorari _____

2. Grounds raised _____

3. Result _____

4. Date _____

III. POST-CONVICTION RELIEF OTHER THAN DIRECT APPEAL

- A. Other than the appeals listed above in Section II, have you previously filed any other federal petitions, applications, or motions concerning **the** federal judgment that you are now challenging?

☐ Yes ☐ No

If yes, attach the decision(s) that resolved your application for federal post-conviction relief and answer the following questions:

1. Name of court _____

2. Docket or case number _____

3. Date of filing _____

4. Type of petition, application, or motion filed _____

5. Grounds raised _____

6. Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☐ No

7. Result _____

8. Date _____

9. Did you appeal your first federal petition, application, or motion to a federal appellate court?

☐ Yes ☐ No

10. If you did not appeal, explain why not:

- B. If you filed a second federal petition, application, or motion, attach the decision and answer the following questions:

POST-CONVICTION RELIEF OTHER THAN APPEAL - continued

1. Name of court _____

2. Docket or case number _____

3. Date of filing _____

4. Type of petition, application, or motion filed _____

5. Grounds raised _____

6. Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes

☐ No

7. Result _____

8. Date _____

9. Did you appeal your second petition, application, or motion to a federal appellate court?

☐ Yes

☐ No

10. If you did not appeal, explain why not:

C. If you filed a third federal petition, application, or motion, attach the decision and answer the following questions:

1. Name of court _____

2. Docket or case number _____

3. Date of filing _____

4. Type of petition, application or motion filed _____

POST-CONVICTION RELIEF OTHER THAN APPEAL - continued

5. Grounds raised _____

6. Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes

☐ No

7. Result _____

8. Date _____

9. Did you appeal your third petition, application, or motion to a federal appellate court?

☐ Yes

☐ No

10. If you did not appeal, explain why not:

IV. GROUNDS FOR RELIEF

For this motion, state every ground supporting your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. If you fail to do so, you may be prevented from presenting additional grounds at a later date.

Attach additional pages if you have more than four grounds. State the facts supporting each ground.

Ground One _____

Supporting **FACTS** (*Briefly summarize the facts without citing cases or law.*)

GROUND FOR RELIEF - continued

Ground Two

Supporting **FACTS** *(Briefly summarize the facts without citing cases or law.)*

GROUND FOR RELIEF - continued

Ground Three _____

Supporting **FACTS** *(Briefly summarize the facts without citing cases or law.)*

Ground Four _____

Supporting **FACTS** *(Briefly summarize the facts without citing cases or law.)*

GROUND FOR RELIEF - continued

V. REPRESENTATION

Give the name and address of each attorney who represented you in the following:

1. At preliminary hearing _____

2. At arraignment and plea hearing _____

3. At trial _____

4. At sentencing _____

5. On direct appeal _____

6. In any federal post-conviction proceeding _____

7. On appeal from any ruling against you in a federal post-conviction proceeding

VI. REQUEST FOR RELIEF

State exactly what you want the court to do for you.

VII. DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, hereby declare under penalty of perjury that the foregoing information is true and correct.

Signed this _____ day of _____, 20 _____ .

Signature of Movant

(Signature of lawyer, if any)

If you are signing the motion and are not the movant, state your relationship to the movant and explain why the movant is not signing this motion.

VIII. CERTIFICATE OF INMATE MAILING - *Optional*

If you deposit your motion under 28 U.S.C. § 2255 to vacate, set aside, or correct your sentence in your prison/institutional/jail mailing system and attach first-class postage pre-paid, and complete and sign this statement, you will establish the filing date as the date of deposit in that mailing system.

I, the undersigned, hereby declare under penalty of perjury that I placed this motion to vacate, set aside or correct federal sentence under 28 U.S.C. § 2255 in the prison/institutional/jail mailing system with a prepaid, first-class postage on _____.
(month, day, year)

Signed this _____ day of _____, 20_____.

Signature of Movant

Instructions for Completing the Petition and Affidavit to Proceed Without Prepayment of Fees and/or Costs Before District Court or on Appeal – Read Carefully

1. Purpose of Form - This form may be used to establish indigency for the purpose of (1) obtaining a waiver of the applicable filing fee for your action; (2) obtaining a waiver of the applicable fee for filing an appeal; (3) establishing financial eligibility for the appointment of counsel; or (4) waiving of other fees, such as fees for transcripts or subpoenas.

2. Signed Under Penalty Of Perjury - To submit your petition and affidavit, it must be signed. Your signature indicates that the Petition and Affidavit is signed "under penalty of perjury." This means that any false statement of a material fact presented in your petition may serve as a basis for prosecution and conviction for perjury. Your signature does **not** have to be witnessed by a notary public.

3. If You Are A Non-Prisoner Bringing a Civil Action, You Are Advised - The filing fee for a civil action (other than a petition for habeas corpus relief pursuant to 28 U.S.C. § 2241, § 2254 or a motion pursuant to 28 U.S.C. § 2255) is \$350.00. If you are bringing a petition for habeas corpus relief pursuant to 28 U.S.C. § 2241, § 2254 or a motion pursuant to 28 U.S.C. § 2255, refer to number five of these instructions. If you have the money to pay the filing fee, you should send a cashier's check or money order for \$350.00, payable to "Clerk, United States District Court," with your complaint.

If you do not have enough money to pay the full filing fee at the time your action is filed, you may petition the court to proceed without prepayment of fees and costs by using the attached form. Upon receipt of your complaint and petition, the court will screen the complaint. The court shall dismiss your complaint if (1) your allegation of poverty is untrue; (2) the action is frivolous or malicious; (3) your complaint does not state a claim on which relief can be granted; or (4) you sue a defendant for money damages and that defendant is immune from such relief. 28 U.S.C. § 1915(e).

If your petition is granted, you will proceed *in forma pauperis* (IFP). This means that the \$350.00 filing fee will be waived.

If your petition is denied because you are financially ineligible to proceed IFP, you will be required to pay the full \$350.00 filing fee. Your suit will not proceed unless the fee is paid in full.

4. If You Are a Prisoner Who Is Bringing a Civil Rights or Other Civil Action, You Are Advised - In accordance with the provisions of the Prison Litigation Reform Act (PLRA), prisoners are obligated to pay the full filing fee of \$350.00 for a civil action. 28 U.S.C. § 1915(b)(1). If you have the money to pay the filing fee, you should send a cashier's check or money order for \$350.00, payable to "Clerk, United States District Court," with your complaint.

If you do not have enough money to pay the full filing fee at the time your action is filed, you may petition the court to proceed without prepayment of fees and costs by using the attached form. If your petition is granted, you will pay the \$350.00 filing fee in installments, beginning with an initial partial filing fee. The initial partial filing fee will be calculated from a certified copy of your prison trust account statement that shows transactions for the last six months. **The trust account statement must be filed in support of your petition.** (Statements are required for any prison or jail trust accounts you have had over the prior

Instructions - continued

six months). Failure to do so may result in the petition being denied. The initial partial filing fee will be 20 percent of:

- (A) the average monthly deposits to your account for the immediately preceding six-month period,
- or
- (B) the average monthly balance in your account for that same six-month period, whichever amount is greater.

You will be required to pay the initial partial filing fee out of your account if funds exist. 28 U.S.C. § 1915(b)(1).

After the initial partial filing fee is paid, monthly installments equal to 20 percent of your preceding month's income will be withdrawn from your account and forwarded to the court. However, if the amount in your account is less than \$10.00, no installment will be withdrawn. Withdrawals will routinely occur until the full \$350.00 filing fee is paid. 28 U.S.C. § 1915(b)(2).

Regardless of whether some or all of the filing fee has been paid, the court is required to screen your complaint. The court shall dismiss the complaint if (1) your allegation of poverty is untrue - i.e., if your petition and affidavit to proceed without prepayment of fees contains false information; (2) the action is frivolous or malicious; (3) your complaint does not state a claim on which relief can be granted; or (4) you sue a defendant for money damages and that defendant is immune from such relief. 28 U.S.C. § 1915(e)(2); 28 U.S.C. § 1915A.

With respect to claims based on prison conditions, no action may be brought under 42 U.S.C. § 1983 or any other federal law by a prisoner confined in a correctional institution until the available administrative remedies are exhausted. 42 U.S.C. § 1997e.

Note: If, while you are a prisoner, you file three or more actions or appeals which are dismissed as frivolous or malicious or for failure to state a claim upon which relief may be granted, then you will be prohibited from bringing any other actions IFP unless you are in imminent danger of serious physical injury. 28 U.S.C. § 1915(g).

Multiple Prisoners Bringing a Single Action If multiple prisoners are bringing a single action and not seeking leave to proceed IFP (i.e., the full filing fee is paid at the time the complaint is filed), then one filing fee (\$350.00) is required per action. However, if multiple prisoners are bringing a single action and seeking leave to proceed IFP, then one filing fee (\$350.00) is required per prisoner. Each prisoner must submit an individual petition and affidavit to proceed without prepayment of fees and a trust account statement showing transactions for the last six months.

5. If You Are a Prisoner or Pretrial Detainee Who Is Filing a Petition Pursuant to 28 U.S.C. § 2241, § 2254 or a Motion Pursuant to § 2255, You Are Advised - The filing fee for a § 2241 or § 2254 petition is \$5.00. If you have the money to pay the filing fee, you should send a cashier's check or money order for \$5.00, payable to "Clerk, United States District Court," with your complaint. There is no filing fee for a motion to vacate, set aside, or correct sentence pursuant to § 2255.

Note: Regardless of whether you are filing a petition pursuant to § 2241, § 2254, or a motion pursuant to § 2255, you must have an authorized officer

Instructions - continued

attach a printout of your prison trust account activity statement for the six months prior to the filing of your petition.

6. If You Are a Non-prisoner Filing an Appeal From a District Court Judgment or Decision, You Are Advised - The current fee for filing an appeal is \$455.00. If you have the money to pay the appellate filing fee, you should send a cashier's check or money order for \$455.00, payable to "Clerk, United States District Court," with your notice of appeal.

If you do not have enough money to pay the full filing fee at the time your appeal is filed **and** you were permitted to proceed IFP, you may proceed on appeal without further authorization unless the district court certifies that your appeal is not taken in good faith or you are otherwise not entitled to proceed IFP.

If you do not have enough money to pay the full filing fee at the time your appeal is filed and you were not previously permitted to proceed IFP, you may petition the court to proceed without prepayment of fees and costs by using the attached form. Upon receipt of petition, the court will review your petition. The court shall deny your IFP petition if it determines that (1) your allegation of poverty is untrue; or (2) the appeal is frivolous or malicious or not taken in good faith. 28 U.S.C. § 1915(a)(3) & (e)(2); 28 U.S.C. § 1915A; Fed. R. App. P. 24.

If your petition is granted, you will proceed IFP. This means that the \$455.00 appeal filing fee will be waived.

If your petition is denied because you are financially ineligible to proceed IFP, you will be required to pay the full \$455.00 appeal filing fee. Your suit will not proceed unless the fee is paid in full.

7. If You Are a Prisoner Filing an Appeal in a Civil Rights or Other Civil Action, You Are Advised -

In accordance with the provisions of the PLRA, prisoners are obligated to pay the full filing fee of \$455.00 for a civil appeal. 28 U.S.C. § 1915(b)(1). If you have the money to pay the filing fee, you should send a cashier's check or money order for \$455.00, payable to "Clerk, United States District Court" with your notice of appeal.

If you do not have enough money to pay the full filing fee at the time your appeal is filed, you may petition the district court to proceed without prepayment of fees and costs by using the attached form. If your petition is granted, you will pay the \$455.00 filing fee in installments, beginning with an initial partial appeal filing fee. The initial partial appeal filing fee will be calculated from a certified copy of your prison trust account statement that shows transactions for the last six months. The trust account statement must be filed in support of your petition. (Statements are required for any prison or jail trust accounts you have had over the prior six months). Failure to do so may result in the petition being denied.

The initial partial appeal filing fee will be 20 percent of:

- (A) the average monthly deposits to your account for the immediately preceding six-month period,
- or
- (B) the average monthly balance in your account for that same six-month period, whichever amount is greater.

Instructions - continued

You will be required to pay the initial partial appeal filing fee out of your account if funds exist. 28 U.S.C. § 1915(b)(1).

After the initial partial appeal filing fee is paid, monthly installments equal to 20 percent of your preceding month's income will be withdrawn from your account and forwarded to the court. However, if the amount in your account is less than \$10.00, no installment will be withdrawn. Withdrawals will routinely occur until the full \$455.00 appeal filing fee is paid. 28 U.S.C. § 1915(b)(2).

Regardless of whether some or all of the appeal filing fee has been paid, the court shall dismiss the appeal if (1) your allegation of poverty is untrue; or (2) the action is frivolous or malicious or not taken in good faith. 28 U.S.C. § 1915(a)(3) & (e)(2).

Note: If, while you are a prisoner, you file three or more actions or appeals which are dismissed as frivolous or malicious or for failure to state a claim upon which relief may be granted, then you will be prohibited from bringing any other actions or appeals IFP unless you are under imminent danger of serious physical injury. 28 U.S.C. § 1915(g).

Multiple Prisoners Bringing a Single Appeal If multiple prisoners are bringing a single appeal and not seeking leave to proceed IFP (i.e., the full appeal filing fee is paid at the time the notice of appeal is filed), then one filing fee (\$455.00) for the appeal is required. However, if multiple prisoners are bringing a single appeal and seeking leave to proceed IFP on appeal, then one filing fee (\$455.00) is required per prisoner. Each prisoner must submit an individual petition and affidavit to proceed without prepayment of fees and a trust account statement showing transactions for the last six months.

8. If You Are a Prisoner or Pretrial Detainee Filing an Appeal in Action on a Petition Pursuant to 28 U.S.C. § 2241, § 2254 or a Motion Pursuant to § 2255, You Are Advised - You should refer to number six of these instructions. IN ADDITION: Regardless of whether you are filing an appeal from action on a petition pursuant to § 2241, § 2254, or a motion pursuant to § 2255, you must have an authorized officer attach a printout of your prison trust account activity statement for the six months prior to the filing of your appeal.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

In the Case of

v.

Docket No. _____
(To be Supplied by Clerk)

PETITION AND AFFIDAVIT TO PROCEED
WITHOUT PREPAYMENT OF FEES AND/OR COSTS

I, _____, declare that I am the
(print your full name)

☐ Petitioner ☐ Plaintiff ☐ Movant ☐ Appellant ☐ Other _____

in the above-entitled action. In support of my request to proceed *in forma pauperis*, I declare that I am unable to pay the fees and/or costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion/appeal.

In support of this petition, I answer the following questions truthfully and under penalty of perjury:
(Additional pages may be added, if necessary, to provide complete information.)

Appeals

If you are filing an appeal from a district court's judgment/decision, state the issues that you intend to appeal:

Personal Information

- 1) Are you employed? ☐ Yes ☐ No

If no, give the month and year when you were last employed and state the amount of that monthly income.

_____ \$ _____
(month and year)

- 2) Are you currently incarcerated? ☐ Yes ☐ No

If yes, state the place of your incarceration and provide your prisoner identification number:

_____ (place) _____ (number)

In addition, if you are a prisoner, you must have an authorized officer attach a printout of your prison trust account statement showing transactions for the six-month period immediately preceding the filing of your complaint, motion, petition or appeal and showing the balance of your release account. You must also complete the attached "Authorization for Release of Institutional Account Information and Payment of the Filing Fee."

- 3) Are you currently married? ☐ Yes ☐ No

If yes, is your spouse employed? ☐ Yes ☐ No

- 4) Do you have any legal dependents (children/adults) whom you are responsible for supporting?

☐ Yes ☐ No

If yes, list them below:

<u>First and Last Initials (For Minor Children Only) or Name</u>	<u>Relationship To You</u>	<u>Age</u>	<u>Amount of Support Provided Per Month</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

Property – If you are married, your answers must ***include your spouse's property***.

- 1) Do you own a car? ☐ Yes ☐ No

Property -continued

If yes, list car(s) below:

<u>Model and Make</u>	<u>Year</u>	<u>Approximate Current Value</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

- 2) Do you own your residence(s)? ☐ Yes ☐ No

If yes, state the approximate value(s). \$ _____

- 3) Do you own any other valuable tangible property, including but not limited to, jewelry, artwork, or antiques?

☐ Yes ☐ No

If yes, identify the property and its approximate value(s).

<u>Property</u>	<u>Approximate Value</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____

- 4) Do you have any cash or checking, savings, or other similar accounts? ☐ Yes ☐ No

If yes, state the total amount of such sums. \$ _____

- 5) Do you own any intangible property, including but not limited to stocks, bonds, trusts, or individual retirement accounts (e.g., IRA, 401k)?

☐ Yes ☐ No

If yes, state the nature of that property and the approximate value(s).

Income – If you are married, your answers **must include your spouse's income.**

(When calculating income, you must include any salary, child support, public assistance, unemployment compensation, disability payments, life insurance payments, pensions, annuities, workers' compensation, stock dividends and interest, gifts, and inheritance, or other incoming monies.)

State your total monthly income: \$ _____

State your spouse's total monthly income: \$ _____

Expenses – If you are married and/or have dependents, **your expenses should also include your household's expenses.**

(When calculating household expenses, you may include groceries, clothing, medical costs, utilities which are not included in your rental payments, transportation, and insurance.)

1) Identify the following amounts that you pay per month:

☐ Rent or ☐ Mortgage \$ _____

Car payment(s) \$ _____

Alimony and/or court-ordered
child support \$ _____

Credit card payment(s) \$ _____

2) Do you have any other monthly expenses that you have not already identified?

☐ Yes ☐ No

If yes, list them below:

<u>Expense</u>	<u>Amount</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

3) What is the total amount of your monthly expenses? \$ _____

Other Circumstances – *Describe any other financial circumstance(s) that you would like the court to consider when reviewing this petition.*

Date

Signature – Signed Under Penalty of Perjury

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

In the Case of

v.

Docket No. _____
(To be Supplied by Clerk)

**AUTHORIZATION FOR RELEASE OF INSTITUTIONAL ACCOUNT INFORMATION AND
PAYMENT OF THE FILING FEE**

Instructions

Use this Authorization:

If you are a prisoner filing a civil rights or other civil action, or an appeal, complete this authorization.

Do not use this Authorization:

1. If you are not a prisoner
2. If you are a prisoner or are "in custody" and are petitioning the court for a writ of habeas corpus under 28 U.S.C. § 2254 or 28 U.S.C. § 2241.
3. If you are a prisoner filing a motion to vacate, set aside, or correct your sentence under 28 U.S.C. § 2255.

* * * * *

I, _____
(Name of Plaintiff)

(Prison Identification Number)

I authorize the clerk of court to obtain from the agency having custody of my person, information about my prison trust account, including balances, deposits, and withdrawals until the filing fee is paid. I understand that, when sufficient funds exist in my prison trust account, I will be required to pay an initial partial filing fee equal to 20 percent of the greater of: (A) the average monthly deposits to my account for the six-month period immediately preceding the filing of my complaint or notice of appeal, or (B) the average monthly balance in my account for the six-month period immediately preceding the filing of the complaint or notice of appeal. I understand and hereby authorize that, after payment of the initial partial filing fee, monthly payments will be forwarded to the clerk of court equal to 20 percent of the preceding month's income credited to my account. I hereby authorize the agency or facility having custody of my person to withdraw funds from my prison trust account and forward such payments from my account to the clerk of court each time the amount in the account exceeds \$10.00, until the filing fee is paid as set forth in 28 U.S.C. § 1915(b)(2).

(Signature of Plaintiff)

(Date)

NOTE: A CERTIFIED COPY OF YOUR PRISON TRUST ACCOUNT STATEMENT SHOWING TRANSACTIONS FOR THE SIX-MONTH PERIOD IMMEDIATELY PRECEDING THE FILING OF YOUR COMPLAINT MUST ACCOMPANY THIS PETITION AND AFFIDAVIT. (Statements are required for any prison or jail trust accounts you have had over the prior six months.)